

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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KIM BLANDINO,

Plaintiff,

v.

LAS VEGAS METROPOLITAN POLICE
DEPARTMENT, et al.,

Defendants.

Case No. 2:22-cv-00562-GMN-EJY

ORDER

On June 26, 2024, the Court entered a Report and Recommendation (ECF No. 79) recommending the Court deny Plaintiff's Urgent Motion for Sanctions (ECF No. 78) in which Plaintiff argued sanctions under Federal Rule of Civil Procedure 11 should be awarded because Defendant allegedly committed fraud on the Court. The Court found Plaintiff had not complied with the safe harbor requirement of Rule 11. ECF No. 79 at 1. A review of the 12 substantive pages of Plaintiff's Motion for Sanctions, as well as his declaration that follows, reveals there is no mention of compliance with this mandatory requirement. ECF No. 78 at 1-13.

On June 27, 2024 Plaintiff filed a "Super Urgent Motion" arguing the Court is in error as Plaintiff's certificate of service on his Rule 11 Motion showed Defendants were served with the Motion, by email, on June 3, 2024 and that he, therefore, technically complied with Rule 11's safe harbor requirement. ECF No. 80. The certificate of service does in fact show email service on June 3, 2024. ECF No. 78 at 14. Defendants oppose Plaintiff's Urgent Motion arguing they did not agree to service by email and that such service was ineffective. ECF No. 85.

While the Court understands Defendants' arguments, the Court will not, in this instance, yield to that argument despite Plaintiff's email service specifically in light of Defendants' substantive response to Plaintiff's Motion for Rule 11 Sanctions. To do so would not result in the submission of information the Court does not already have.

Accordingly, IT IS HEREBY ORDERED that Plaintiff's Super Urgent Motion to Correct Clerical Error (ECF No. 80) is GRANTED.

1 IT IS FURTHER ORDERED that the Court's Report and Recommendation at ECF No. 79
2 is **vacated**.

3 IT IS FURTHER ORDERED that Plaintiff's Urgent Motion for Sanctions (ECF No. 78)
4 **will** be re-referred to the undersigned for a Report and Recommendation.

5 IT IS FURTHER ORDERED that Defendants' response to the Urgent Motion for Sanctions
6 was filed with the Court on **July 11, 2024**. ECF No. 85.

7 IT IS FURTHER ORDERED that Plaintiff's Reply **must** be filed no later than **July 18, 2024**

8 Dated this 12th day of July, 2024.

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11 ELAYNA J. YOUCHAK
12 UNITED STATES MAGISTRATE JUDGE
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